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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,743	03/03/2004	Bryan L. Johnson	5823.03	2889

7590 07/13/2004

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EXAMINER

GRILES, BETHANY L

ART UNIT	PAPER NUMBER
	3643

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/790,743	JOHNSON, BRYAN L.	
	<b>Examiner</b>	<b>Art Unit</b>	MW
	Bethany L. Griles	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-12,14 and 15 is/are rejected.
- 7) Claim(s) 3 and 13 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ratcliffe et al. US5274943.
3. Regarding claims 1 and 11, Ratcliffe et al. disclose a sensor 30 having an electrical characteristic 80 that varies as the sensor flexes ; means for attaching the sensor to a fishing rod 34 such that said electrical characteristic varies as the fishing rod flexes (as best described in the abstract beginning with line 12); an alarm signaling device 50; an electrical circuit in electrical connection with said sensor 30, the circuit defining a first threshold, the circuit having an output that is activated when said electrical characteristic exceeds said first threshold, the output being in electrical connection with said alarm signaling device 50; means for adjusting said first threshold (via changing the amount of flexion on the rod); and an electrical power source 70 in electrical connection with the electrical circuit (see col 3, lines 1-40 for a detailed description of the circuitry and function of the switch member).
4. Regarding claims 2 and 12, Ratcliffe et al. disclose a second threshold, as the mercury bead 86 has a multiplicity of thresholds as it passes between the two terminals

82, 84; and means for adjusting the first and second threshold by changing the distance between the terminals 82, 84.

5. Regarding claims 4 and 14, Ratcliffe et al. disclose that the sensor 82, 84, 86 is a flexible resistor having a resistance that varies as the flexible resistor flexes (col 6, lines 5-25 disclose the method by which the resistance varies between the two terminals).

6. Regarding claims 5 and 15, Ratcliffe et al. disclose a housing 40, the alarm signaling device 50, electrical circuit (col 5, lines 19-26), threshold adjusting means, and an electrical power source 70 being contained within the housing 40.

7. Regarding claim 6, Ratcliffe et al. disclose the sensor attaching means 34 comprises a bridge having forward and rearward ends, the rearward end supported by the housing 40 and the forward end extending from the housing (see attachment means 34 as depicted in figure 3).

8. Regarding claim 7, Ratcliffe et al. disclose at least one clip (herein defined by the Examiner as the segment of element 34 which passes around rod 20) disposed on the forward end of the bridge.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ratcliffe et al. in view of Genous-Moore US6122853.

11. Regarding claim 8, Ratcliffe et al. substantially disclose the invention as previously detailed in claim 1.

12. Ratcliffe et al. do not disclose that the indicator is contained within the handle portion of a fishing rod.

13. Genous-Moore discloses an embodiment of a fish strike indicator (as seen in figure 3 of Genous-Moore) which imbeds the fish strike indicator components inside the rod handle.

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Genous-Moore to the invention of Ratcliffe et al. in order to protect the indicator from the elements and therefore make it more durable.

15. Regarding claim 9, Ratcliffe et al. disclose a visual signaling device 50.

16. Regarding claim 10, Ratcliffe et al. disclose an audio signaling device (col 4, lines 3-5 and figure 8 disclose the alternate embodiment of Ratcliffe et al.).

#### ***Allowable Subject Matter***

17. Claims 3 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bae et al US5555667; Sader et al. US2634538 ; Hiles US4766688.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bethany L. Griles  
Examiner  
Art Unit 3643

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Art Unit: 3643

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